ESTTA Tracking number:

ESTTA723169 01/27/2016

Filing date:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	The Administrators of the Tulane Educational Fund
Granted to Date of previous extension	01/27/2016
Address	6823 St. Charles Street 300 Gibson Hall New Orleans, LA 70118 UNITED STATES

Attorney informa-	Marie Breaux
tion	M Breaux Intellectual Property Law
	700 Camp Street, Suite 418
	New Orleans, LA 70130
	UNITED STATES
	marie@mbipl.com, adriano@mbipl.com

Applicant Information

Application No	86620537	Publication date	09/29/2015
Opposition Filing Date	01/27/2016	Opposition Period Ends	01/27/2016
Applicant	Utomik B.V. Paradijslaan 5, 5611 KM Eindhoven, NETHERLANDS		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0

All goods and services in the class are opposed, namely: Interactive entertainment software, namely, downloadable computer programs, software and applications for playing computer games and video games on mobile and non-mobile devices; downloadable computer programs, software and applications for accessing computer games and video games on mobile and non-mobile devices

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)	
Dilution	Trademark Act section 43(c)	

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3459269	Application Date	03/19/2003
Registration Date	07/01/2008	Foreign Priority Date	NONE

Word Mark	TU
Design Mark	
Description of Mark	The mark consists of a shield bearing an overlapping "T" and "U".
Goods/Services	Class 024. First use: First Use: 2002/12/31 First Use In Commerce: 2002/12/31 Cloth flags and pennants

U.S. Registration No.	3459267	Application Date	03/19/2003
Registration Date	07/01/2008	Foreign Priority Date	NONE
Word Mark	TU	•	•
Design Mark			

Description of Mark	The mark consists of a shield bearing an overlapping "T" and "U".
Goods/Services	Class 014. First use: First Use: 2002/12/31 First Use In Commerce: 2002/12/31 Gifts and novelties of precious metals,namely, jewelry

U.S. Registration No.	3389653	Application Date	10/31/2002
Registration Date	02/26/2008	Foreign Priority Date	NONE
Word Mark	TU		
Design Mark			
Description of Mark	The mark consists of a shield	l bearing an overlapp	ing "T" and "U".
Goods/Services	Housewares, namely, coffee	mugs, beer mugs, bers, commemorative pl	lse In Commerce: 1925/01/01 everage glassware, beverage lates, drinking glasses, mugs, e cans, plates

U.S. Registration No.	3308046	Application Date	03/21/2003
Registration Date	10/09/2007	Foreign Priority Date	NONE
Word Mark	TU		

Design Mark	
Description of Mark	The mark consists of a shield bearing an overlapping "T" and "U".
Goods/Services	Class 035. First use: First Use: 1914/00/00 First Use In Commerce: 1914/00/00 conducting research and experiments forothers in the field of business
	Class 042. First use: First Use: 1884/00/00 First Use In Commerce: 1902/00/00
	Conducting scientific research, scientific testing, and laboratory experiments for others in the fields of engineering, architecture, law, and social work; Conducting scientific research, scientific testing, and laboratory experiments for others in the fields of liberal arts andsciences, namely, anthropology, art, cell and molecular biology, ecology and evolutionary biology, chemistry, classical studies, communication, earth and environmental sciences, economics, English, French and Italian, Germanic and Slavic studies, history, mathematics, music, philosophy, physics, political science, psychology, sociology, Spanish and Portuguese, and theater and dance; Conducting medical research, clinical testing, and laboratory experiments in the fields of medicine, public health, and tropical medicine Class 044. First use: First Use: 1884/00/00 First Use In Commerce: 1902/00/00
	Providing hospital, medical, and healthcare services; Conducting medical testing
	in the fields of public health and tropical medicine
	Class 045. First use: First Use: 1927/00/00 First Use In Commerce: 1927/00/00 conducting research, testing, and experiments for others in the field of socialwork, except for scientific and laboratory research, scientific and laboratory testing, and scientific and laboratory experiments

U.S. Registration No.	3459266	Application Date	03/18/2003
Registration Date	07/01/2008	Foreign Priority Date	NONE
Word Mark	TU		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 006. First use: First Use: 2002/12/31 First Use In Commerce: 2002/12/31
	Gift and novelties made of non-preciousmetal, namely, boxes, key chains and rings, and license plates
	Class 020. First use: First Use: 2002/12/31 First Use In Commerce: 2002/12/31
	Gifts and novelties made of non-precious metal, namely, picture frames

U.S. Registration No.	3319357	Application Date	03/21/2003
Registration Date	10/23/2007	Foreign Priority Date	NONE
Word Mark	T U TULANE UNIVERSITY		
Design Mark	Tulane University		
Description of Mark	The mark consists of a shield stylized words "TULANE UNI		ing "T" and "U" adjacent to the
Goods/Services	Class 035. First use: First Use: 1914/00/00 First Use In Commerce: 1914/00/00 Conducting research and experiments forothers in the field of business Class 042. First use: First Use: 1884/00/00 First Use In Commerce: 1884/00/00 Conducting scientific research, scientific testing, and laboratory experiments for others in the fields of engineering, architecture, law, and social work; Conducting		

scientific research, scientific testing, and laboratory experiments for others in the fields of liberal arts andsciences, namely, anthropology, art, cell and molecular biology, ecology and evolutionary biology, chemistry, classicalstudies, communication, earth and environmental sciences, economics, English, French and Italian, Germanic and Slavic studies, history, mathematics, music, philosophy, physics, political science, psychology, sociology, Spanish and Portuguese, and theater and dance; Conducting medical research, clinical testing, and laboratory experiments in the fields of medicine, public health, and tropical medicine

Class 044. First use: First Use: 1884/00/00 First Use In Commerce: 1884/00/00

Providing hospital, medical, and healthcare services; Conducting medical testing in the fields of public health and tropical medicine

Class 045. First use: First Use: 1927/00/00 First Use In Commerce: 1927/00/00

Conducting research, testing, and experiments for others in the field of social-work, except for scientific and laboratory research, scientific and laboratory testing, and scientific and laboratory experiments

U.S. Registration No.	3344943	Application Date	03/18/2003
Registration Date	11/27/2007	Foreign Priority Date	NONE
Word Mark	TU TULANE UNIVERSITY		
Design Mark		lane niver	
Description of Mark	The mark consists of a shield bearing an overlapping "T" and "U" adjacent to the stylized words "Tulane" and "University."		ng "T" and "U" adjacent to the
Goods/Services	Class 014. First use: First Use: 1925/01/01 First Use In Commerce: 1925/01/01 Gifts and novelties of precious metals, namely, jewelry		

U.S. Registration No.	3344942	Application Date	03/18/2003
Registration Date	11/27/2007	Foreign Priority Date	NONE
Word Mark	TU TULANE UNIVERSITY	•	
Design Mark	Tu	lane niver	sity

Description of Mark	The mark consists of a shield bearing an overlapping "T" and "U"adjacent to thestylized words "Tulane" and "University."
Goods/Services	Class 006. First use: First Use: 1925/01/01 First Use In Commerce: 1925/01/01
	Gifts and novelties made of non-precious metal, namely, license plates
	Class 020. First use: First Use: 1925/01/01 First Use In Commerce: 1925/01/01
	Gifts and novelties made of non-precious metal, namely, picture frames

U.S. Registration No.	3303322	Application Date	11/04/2002
Registration Date	10/02/2007	Foreign Priority Date	NONE
Word Mark	T U TULANE UNIVERSITY		
Design Mark	Tu	lane niver	sity
Description of Mark	The mark consists of a shield bearing an overlapping "T" and "U" adjacent to the stylized words "TULANE UNIVERSITY".		
Goods/Services	Class 016. First use: First Use	e: 1925/01/01 First U	se In Commerce: 1925/01/01
	Paper goods, namely, writing endars, greeting cards, notep namely, ball point pens and le	ads, decals, and note	

U.S. Registration No.	3308024	Application Date	11/04/2002
Registration Date	10/09/2007	Foreign Priority Date	NONE
Word Mark	TU TULANE UNIVERSITY		
Design Mark		lane niver	
Description of Mark	The mark consists of shield be stylized words "TULANE UNI		g "T" and "U" adjacent to the
Goods/Services	Class 021. First use: First Us Housewares, namely, coffee openers, mugs, plastic cups		

U.S. Registration No.	3303321	Application Date	11/04/2002
Registration Date	10/02/2007	Foreign Priority Date	NONE
Word Mark	TU TULANE UNIVERSITY		
Design Mark		lane niver	
Description of Mark	The mark consists of a shield stylized words "TULANE UNI"		ing "T" and "U" adjacent to the
Goods/Services	Class 025. First use: First Use: 2002/12/31 First Use In Commerce: 2002/12/31		
	Clothing, namely, t-shirts, gol	f shirts, sport shirts	

U.S. Registration No.	2968179	Application Date	11/04/2002
Registration Date	07/12/2005	Foreign Priority Date	NONE
Word Mark	TU TULANE UNIVERSITY		
Design Mark	Tù Tù U	lane niver	sity
Description of Mark	The mark consists of a shield stylized words "TULANE UNI"		ng "T" and "U" adjacent to the
Goods/Services	Class 041. First use: First Use Educational services in a wide training at the undergraduate, continuing education services conducting athletic and sports als,dance performances, publiformingarts presentations; and pools, tennis courts, and weight	e variety of fields, nar graduate, post-gradus; entertainment service events and competi- lic speaking events, a d recreational service	mely providing instruction and uate, professional levels,and ces, namely, arranging and tions, musicals, theatricand visual, literary and per-

U.S. Registration No.	3344948	Application Date	03/19/2003
Registration Date	11/27/2007	Foreign Priority Date	NONE

Word Mark	TU TULANE UNIVERSITY
Design Mark	Tulane University
Description of Mark	The mark consists of a shield bearing and overlapping "T" and "U" adjacent to the stylized words "TULANE" and "UNIVERSITY".
Goods/Services	Class 016. First use: First Use: 1925/01/01 First Use In Commerce: 1925/01/01 Personal organizers

Attachments	78227589#TMSN.png(bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/MBreaux/
Name	Marie Breaux
Date	01/27/2016

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

The Administrators of the Tulane Educational Fund) Opposition No.:
Opposer,) Serial No.: 86/620537) Proposed Design Mark:
V.	
Utomik B.V. Applicant.	

NOTICE OF OPPOSITION

Opposer The Administrators of the Tulane Educational Fund ("Opposer"), a non-profit corporation organized under the laws of Louisiana, will be damaged by the issuance of a trademark registration to Utomik B.V. for the proposed design mark (the "Utomik Mark") as applied for in Application Serial No. 86/620537.

Tulane, having previously been granted an extension of time to oppose the Utomik Mark, hereby opposes same.

As grounds for opposition, Opposer alleges as follows:

- 1. Applicant Utomik B.V. ("Applicant"), is a Dutch Limited Liability Company.
- 2. On May 6, 2015, Applicant filed for registration of the Utomik Mark on the Principal Register in International Class ("IC") 009, as applied to:

Interactive entertainment software, namely, downloadable computer programs, software and applications for playing computer games and video games on mobile and non-mobile devices; downloadable computer programs, software and applications for accessing computer games and video games on mobile and non-mobile devices

- 3. Applicant filed its application to register the Utomik Mark on an intent-touse basis.
- 4. Opposer is a non-profit corporation organized under the laws of Louisiana, whose address is 6823 St. Charles Avenue, 300 Gibson Hall, Tulane University, New Orleans, Louisiana 70118.

5.

Opposer is the owner of thirteen U.S. registrations for the design mark for a wide variety of goods and services, as indicated in the table below (the "TU Design Marks"). True and correct copies of current print outs from the electronic database records of the USPTO for each registration are attached as in globo Exhibit A (the "TU Registrations").

Trademark	Reg. No.	Reg. Date	IC & Goods / Services
Ŷ	3459269	July 1, 2008	024 - Cloth flags and pennants.
un	3459267	un	014 - Gifts and novelties of precious metals, namely, jewelry.
un	3389653	February 26, 2008	021 - Housewares, namely, coffee mugs, beer mugs, beverage glassware, beverage ware, bottle openers, coasters, commemorative plates, drinking glasses, mugs, plastic cups, insulating sleeve holders for beverage cans, plates.

	3308046	October 9, 2007	035 - Conducting research and experiments for others in the field of business. 042 - Conducting scientific research, scientific testing, and laboratory experiments for others in the fields of engineering, architecture, law, and social work; Conducting scientific research, scientific testing, and laboratory experiments for others in the fields of liberal arts and sciences, namely, anthropology, art, cell and molecular biology, ecology and evolutionary biology, chemistry, classical studies, communication, earth and environmental sciences, economics, English, French and Italian, Germanic and Slavic studies, history, mathematics, music, philosophy, physics, political science, psychology, sociology, Spanish and Portuguese, and theater and dance; Conducting medical research, clinical testing, and laboratory experiments in the fields of medicine, public health, and tropical medicine. 044 - Providing hospital, medical, and health care services; Conducting medical testing in the fields of public health and tropical medicine. 045 - Conducting research, testing, and experiments for others in the field of social work, except for scientific and laboratory research, scientific and laboratory testing, and scientific and laboratory
ш	3459266	July 1, 2008	experiments. 006 - Gift and novelties made of non-precious metal, namely, boxes, key chains and rings, and license plates. 020 - Gifts and novelties made of non-precious metal, namely, picture frames.
Tulane University	3319357	October 23, 2007	an Tri
un	3344943	November 27, 2007	014 - Gifts and novelties of precious metals, namely, jewelry.
un	3344942	un	006 – Gifts and novelties made of non-precious metal, namely, license plates. 020 - Gifts and novelties made of non-precious metal, namely, picture frames.

Tulane University	3303322	October 2, 2007	016 - Paper goods, namely, writing paper, folders, loose-leaf binders, stationery, calendars, greeting cards, notepads, decals, and note books; writing instruments, namely, ball point pens and lead pencils.
""	3308024	October 9, 2007	021 - Housewares, namely, coffee mugs, beverage glassware, beverage ware, bottle openers, mugs, plastic cups.
un	3303321	October 2, 2007	025 - Clothing, namely, t-shirts, golf shirts, sport shirts.
un	2968179	July 12, 2005	041 - Educational services in a wide variety of fields, namely providing instruction and training at the undergraduate, graduate, post-graduate, professional levels, and continuing education services; entertainment services, namely, arranging and conducting athletic and sports events and competitions, musicals, theatricals, dance performances, public speaking events, and visual, literary and performing arts presentations; and recreational services in the nature of swimming pools, tennis courts, and weight training facilities
11	3344948	November 27, 2007	016 – Personal organizers

- 6. In addition to the trademarks identified above in Paragraph 5, Opposer owns and has continuously used the TU Design Marks for a wide variety of unregistered goods and services.
- 7. The design of the TU Design Marks is described as an interlocking "T" and "U," and was adopted by Opposer in 2002.
- 8. Opposer is a nationally-renowned university founded in 1847, and as a result, persons familiar with Opposer and its TU Design Marks have come to recognize Opposer's TU Design Marks as an indication of a unique brand of goods and services.
- 9. By virtue of its exclusive and continuous use of the TU Design Marks, Opposer has acquired and is the sole owner of common law, state, and federal trademark rights to the TU Design Marks.

- 10. The TU Registrations constitute *prima facie* evidence of the validity and registration of the respective TU Design Marks, of Opposer's ownership of the TU Design Marks, and of Opposer's exclusive right to use the TU Design Marks in commerce on or in connection with the goods and services specified in each registration.
- 11. Applicant may only assert "constructive" use of the Utomik Mark as of May6, 2015, well after Opposer had adopted and begun use of its TU Design Marks.
- 12. Opposer's TU Design Marks are valid and enforceable as shown in **Exhibit A**, with a first use in commerce years before Applicant applied for registration of the Utomik Mark.
- 13. Opposer has priority over Applicant's Utomik Mark. Accordingly, registration of the Utomik Mark is improper under Section 2(d) of the Trademark Act, 15 U.S.C. § 1052(d).
- 14. Persons familiar with Opposer's goods and services provided under the TU Design Marks, upon seeing the goods to be provided under the Utomik Mark, would likely believe, and would be justified in so believing, that such goods originated from Opposer or were produced in association, connection, or affiliation with, or under sponsorship, approval, or authorization by Opposer.
- 15. In view of the similarity of the design of Applicant's Utomik Mark and the design of Opposer's TU Design Marks, the Utomik Mark so resembles Opposer's TU

Design Marks as to be likely to cause confusion, or to cause mistake, or to deceive when

used in connection with the goods identified in Application's application for registration.

16. Because Applicant's Utomik Mark will likely cause confusion as to the

source of goods, registration of that mark violates Section 2(d) of the Lanham Act, 15

U.S.C. § 1052(d).

17. Opposer's TU Design Marks are distinctive and famous. Registration of the

Utomik Mark will cause, further, or support dilution of the distinctive quality of

Opposer's TU Design Marks and otherwise violate and infringe upon Opposer's rights

under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

WHEREFORE, The Administrators of the Tulane Educational Fund respectfully

pray that this Opposition be sustained and that Application Serial No. 86/620537 be

refused registration.

Opposer submits herewith the requisite filing fee of \$300.00 for this opposition.

Respectfully submitted,

s/MBreaux

Marie Breaux

Adriano Pacifici

M Breaux Intellectual Property Law LLC

700 Camp Street, Suite 418

New Orleans, LA 70130

Phone: (504) 975-1462

Email: marie@mbipl.com; adriano@mbipl.com

Attorneys for Opposer, The Administrators of

the Tulane Educational Fund

[6]

CERTIFICATE OF MAILING

I hereby certify that a copy of the attached NOTICE OF OPPOSITION (together with all exhibits and a copy of this Certificate) was served on this 27th day of January 2016 by US First Class Mail and email to:

Gavan Willis Cook Apt A 731 Emerson St. Palo Alto, CA 94301

Dated: January 27, 2	2016	
		s/MBreaux

Exhibit A

Int. Cls.: 6 and 20

Prior U.S. Cls.: 2, 12, 13, 14, 22, 23, 25, 32, and 50

Reg. No. 3,344,942

United States Patent and Trademark Office

Registered Nov. 27, 2007

TRADEMARK PRINCIPAL REGISTER



THE ADMINISTRATORS OF THE TULANE EDU-CATIONAL FUND (LOUISIANA CORPORA-TION)

6823 ST. CHARLES AVENUE, 300 GIBSON HALL NEW ORLEANS, LA 70118

FOR: GIFTS AND NOVELTIES MADE OF NON-PRECIOUS METAL, NAMELY, LICENSE PLATES, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 1-1-1925; IN COMMERCE 1-1-1925.

FOR: GIFTS AND NOVELTIES MADE OF NON-PRECIOUS METAL, NAMELY, PICTURE FRAMES, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 1-1-1925; IN COMMERCE 1-1-1925.

OWNER OF U.S. REG. NOS. 1,915,719, 2,727,647, AND 2,743,096.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE UNIVERSITY, APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A SHIELD BEARING AN OVERLAPPING "T" AND "U"ADJACENT TO THE STYLIZED WORDS "TULANE" AND "UNIVERSITY."

SN 78-227,105, FILED 3-18-2003.

Prior U.S. Cls.: 2, 27, 28, and 50

Reg. No. 3,344,943

United States Patent and Trademark Office

Registered Nov. 27, 2007

TRADEMARK PRINCIPAL REGISTER



THE ADMINISTRATORS OF THE TULANE EDUCATIONAL FUND (LOUISIANA CORPORATION)

6823 ST. CHARLES AVENUE, 300 GIBSON HALL NEW ORLEANS, LA 70118

FOR: GIFTS AND NOVELTIES OF PRECIOUS METALS, NAMELY, JEWELRY, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 1-1-1925; IN COMMERCE 1-1-1925.

OWNER OF U.S. REG. NOS. 2,737,647 AND 2,743,096.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "UNIVERSITY", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A SHIELD BEARING AN OVERLAPPING "T" AND "U" ADJACENT TO THE STYLIZED WORDS "TULANE" AND "UNIVERSITY."

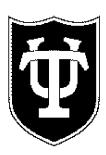
SN 78-227,121, FILED 3-18-2003.

Prior U.S. Cls.: 2, 27, 28, and 50

United States Patent and Trademark Office

Reg. No. 3,459,267 Registered July 1, 2008

TRADEMARK PRINCIPAL REGISTER



THE ADMINISTRATORS OF THE TULANE EDU-CATIONAL FUND (LOUISIANA CORPORA-TION) 6823 ST. CHARLES AVENUE, 300 GIBSON HALL

NEW ORLEANS, LA 70118

FOR: GIFTS AND NOVELTIES OF PRECIOUS METALS, NAMELY, JEWELRY, IN CLASS 14 (U.S. CLS. 2, 27, 28 AND 50).

FIRST USE 12-31-2002, THE MARK WAS FIRST USED ANYWHERE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE

REGISTERED ON 01/01/1925.; IN COMMERCE 12-31-2002, THE MARK WAS FIRST USED IN COMMERCE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED ON 01/01/1925..

THE MARK CONSISTS OF A SHIELD BEARING AN OVERLAPPING "T" AND "U".

SN 78-227,279, FILED 3-19-2003.

LORETTA C. BECK, EXAMINING ATTORNEY

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

Reg. No. 3,344,948

United States Patent and Trademark Office

Registered Nov. 27, 2007

TRADEMARK PRINCIPAL REGISTER



THE ADMINISTRATORS OF THE TULANE EDU-CATIONAL FUND (LOUISIANA CORPORA-TION)

6823 ST. CHARLES AVENUE, 300 GIBSON HALL NEW ORLEANS, LA 70118

FOR: PERSONAL ORGANIZERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 1-1-1925; IN COMMERCE 1-1-1925.

OWNER OF U.S. REG. NOS. 1,915,719, 2,737,647, AND 2,743,096.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "UNIVERSITY", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A SHIELD BEARING AND OVERLAPPING "T" AND "U" ADJACENT TO THE STYLIZED WORDS "TULANE" AND "UNIVERSITY".

SN 78-227,481, FILED 3-19-2003.

Prior U.S. Cls.: 42 and 50

United States Patent and Trademark Office

Reg. No. 3,459,269 Registered July 1, 2008

TRADEMARK PRINCIPAL REGISTER



THE ADMINISTRATORS OF THE TULANE EDU-CATIONAL FUND (LOUISIANA CORPORA-TION) 6823 ST. CHARLES AVENUE, 300 GIBSON HALL

NEW ORLEANS, LA 70118

FOR: CLOTH FLAGS AND PENNANTS, IN CLASS 24 (U.S. CLS. 42 AND 50).

FIRST USE 12-31-2002, THE MARK WAS FIRST USED ANYWHERE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED ON 01/01/1925.; IN COMMERCE

12-31-2002, THE MARK WAS FIRST USED IN COMMERCE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED ON 01/01/1925..

THE MARK CONSISTS OF A SHIELD BEARING AN OVERLAPPING "T" AND "U".

SN 78-227,589, FILED 3-19-2003.

LORETTA C. BECK, EXAMINING ATTORNEY

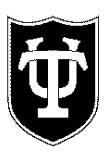
Int. Cls.: 35, 42, 44, and 45

Prior U.S. Cls.: 100, 101, and 102

United States Patent and Trademark Office

Reg. No. 3,308,046 Registered Oct. 9, 2007

SERVICE MARK PRINCIPAL REGISTER



THE ADMINISTRATORS OF THE TULANE EDU-CATIONAL FUND (LOUISIANA CORPORA-TION) 6823 ST. CHARLES AVENUE 300 GIBSON HALL

FOR: CONDUCTING RESEARCH AND EXPERIMENTS FOR OTHERS IN THE FIELD OF BUSINESS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

NEW ORLEANS, LA 70118

FIRST USE 0-0-1914; IN COMMERCE 0-0-1914.

FOR: CONDUCTING SCIENTIFIC RESEARCH, SCIENTIFIC TESTING, AND LABORATORY EX-PERIMENTS FOR OTHERS IN THE FIELDS OF ENGINEERING, ARCHITECTURE, LAW, AND SO-CIAL WORK; CONDUCTING SCIENTIFIC RE-SEARCH, SCIENTIFIC TESTING, AND LABORATORY EXPERIMENTS FOR OTHERS IN THE FIELDS OF LIBERAL ARTS AND SCIENCES, NAMELY, ANTHROPOLOGY, ART, CELL AND MOLECULAR BIOLOGY, ECOLOGY AND EVOLUTIONARY BIOLOGY, CHEMISTRY, CLASSICAL STUDIES, COMMUNICATION, EARTH AND EN-VIRONMENTAL SCIENCES, ECONOMICS, ENG-LISH, FRENCH AND ITALIAN, GERMANIC AND SLAVIC STUDIES, HISTORY, MATHEMATICS, MU- ${\tt SIC, PHILOSOPHY, PHYSICS, POLITICAL\ SCIENCE,}$ PSYCHOLOGY, SOCIOLOGY, SPANISH AND POR-TUGUESE, AND THEATER AND DANCE; CON-DUCTING MEDICAL RESEARCH, CLINICAL TESTING, AND LABORATORY EXPERIMENTS IN THE FIELDS OF MEDICINE, PUBLIC HEALTH, AND TROPICAL MEDICINE, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 0-0-1884; IN COMMERCE 0-0-1902.

FOR: PROVIDING HOSPITAL, MEDICAL, AND HEALTH CARE SERVICES; CONDUCTING MEDICAL TESTING IN THE FIELDS OF PUBLIC HEALTH AND TROPICAL MEDICINE, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 0-0-1884; IN COMMERCE 0-0-1902.

FOR: CONDUCTING RESEARCH, TESTING, AND EXPERIMENTS FOR OTHERS IN THE FIELD OF SOCIAL WORK, EXCEPT FOR SCIENTIFIC AND LABORATORY RESEARCH, SCIENTIFIC AND LABORATORY TESTING, AND SCIENTIFIC AND LABORATORY EXPERIMENTS, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 0-0-1927; IN COMMERCE 0-0-1927.

THE MARK CONSISTS OF A SHIELD BEARING AN OVERLAPPING "T" AND "U".

SN 78-228,389, FILED 3-21-2003.

Int. Cls.: 35, 42, 44, and 45

Prior U.S. Cls.: 100, 101, and 102

Reg. No. 3,319,357 Registered Oct. 23, 2007

United States Patent and Trademark Office

SERVICE MARK PRINCIPAL REGISTER



THE ADMINISTRATORS OF THE TULANE EDU-CATIONAL FUND (LOUISIANA CORPORA-TION) 6823 ST. CHARLES AVENUE 300 GIBSON HALL

NEW ORLEANS, LA 70118

FOR: CONDUCTING RESEARCH AND EXPERIMENTS FOR OTHERS IN THE FIELD OF BUSINESS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 12-31-2002; IN COMMERCE 12-31-2002.

FOR: CONDUCTING SCIENTIFIC RESEARCH, SCIENTIFIC TESTING, AND LABORATORY EX-PERIMENTS FOR OTHERS IN THE FIELDS OF ENGINEERING, ARCHITECTURE, LAW, AND SO-CIAL WORK; CONDUCTING SCIENTIFIC RE-SEARCH, SCIENTIFIC TESTING, AND LABORATORY EXPERIMENTS FOR OTHERS IN THE FIELDS OF LIBERAL ARTS AND SCIENCES, NAMELY, ANTHROPOLOGY, ART, CELL AND MOLECULAR BIOLOGY, ECOLOGY AND EVOLU-TIONARY BIOLOGY, CHEMISTRY, CLASSICAL STUDIES, COMMUNICATION, EARTH AND EN-VIRONMENTAL SCIENCES, ECONOMICS, ENG-LISH, FRENCH AND ITALIAN, GERMANIC AND SLAVIC STUDIES, HISTORY, MATHEMATICS, MU-SIC, PHILOSOPHY, PHYSICS, POLITICAL SCIENCE, PSYCHOLOGY, SOCIOLOGY, SPANISH AND POR-TUGUESE, AND THEATER AND DANCE; CON-DUCTING MEDICAL RESEARCH, CLINICAL TESTING, AND LABORATORY EXPERIMENTS IN THE FIELDS OF MEDICINE, PUBLIC HEALTH, AND TROPICAL MEDICINE, IN CLASS 42 (U.S. CLS. 100 AND 101).

FIRST USE 12-31-2002; IN COMMERCE 12-31-2002.

FOR: PROVIDING HOSPITAL, MEDICAL, AND HEALTH CARE SERVICES; CONDUCTING MEDICAL TESTING IN THE FIELDS OF PUBLIC HEALTH AND TROPICAL MEDICINE, IN CLASS 44 (U.S. CLS. 100 AND 101).

FIRST USE 12-31-2002; IN COMMERCE 12-31-2002.

FOR: CONDUCTING RESEARCH, TESTING, AND EXPERIMENTS FOR OTHERS IN THE FIELD OF SOCIAL WORK, EXCEPT FOR SCIENTIFIC AND LABORATORY RESEARCH, SCIENTIFIC AND LABORATORY TESTING, AND SCIENTIFIC AND LABORATORY EXPERIMENTS, IN CLASS 45 (U.S. CLS. 100 AND 101).

FIRST USE 12-31-2002; IN COMMERCE 12-31-2002.

OWNER OF U.S. REG. NOS. 1,915,719, 2,737,647, AND 2,743,096.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "UNIVERSITY", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A SHIELD BEARING AN OVERLAPPING "T" AND "U" ADJACENT TO THE STYLIZED WORDS "TULANE UNIVERSITY".

SN 78-228,390, FILED 3-21-2003.

Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40, and 50

United States Patent and Trademark Office

Reg. No. 3,389,653 Registered Feb. 26, 2008

TRADEMARK PRINCIPAL REGISTER



THE ADMINISTRATORS OF THE TULANE EDU-CATIONAL FUND (LOUISIANA NON-PROFIT CORPORATION) TULANE UNIVERSITY 300 GIBSON HALL, 6823 ST. CHARLES AVENUEE NEW ORLEANS, LA 70118

FOR: HOUSEWARES, NAMELY, COFFEE MUGS, BEER MUGS, BEVERAGE GLASSWARE, BEVERAGE WARE, BOTTLE OPENERS, COASTERS, COMMEMORATIVE PLATES, DRINKING GLASSES, MUGS, PLASTIC CUPS, INSULATING SLEEVE

HOLDERS FOR BEVERAGE CANS, PLATES, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 1-1-1925; IN COMMERCE 1-1-1925.

THE MARK CONSISTS OF A SHIELD BEARING AN OVERLAPPING "T" AND "U".

SN 78-180,531, FILED 10-31-2002.

LINDA ESTRADA, EXAMINING ATTORNEY

Prior U.S. Cls.: 100, 101, and 107

United States Patent and Trademark Office Reg. No. 2,968,179
Registered July 12, 2005

SERVICE MARK PRINCIPAL REGISTER



ADMINISTRATORS OF THE TULANE EDUCATIONAL FUND, THE (LOUISIANA INCORPORATED ASSOCIATION)
TULANE UNIVERSITY 300 GIBSON HALL
6823 ST. CHARLES AVENUE
NEW ORLEANS, LA 70118

FOR: EDUCATIONAL SERVICES IN A WIDE VARIETY OF FIELDS, NAMELY PROVIDING INSTRUCTION AND TRAINING AT THE UNDERGRADUATE, GRADUATE, POST-GRADUATE, PROFESSIONAL LEVELS, AND CONTINUING EDUCATION SERVICES; ENTERTAINMENT SERVICES, NAMELY, ARRANGING AND CONDUCTING ATHLETIC AND SPORTS EVENTS AND COMPETITIONS, MUSICALS, THEATRICALS, DANCE PERFORMANCES, PUBLIC SPEAKING EVENTS, AND VISUAL, LITERARY AND PERFORMING ARTS PRESENTATIONS; AND RE-

CREATIONAL SERVICES IN THE NATURE OF SWIMMING POOLS, TENNIS COURTS, AND WEIGHT TRAINING FACILITIES, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 8-9-2002; IN COMMERCE 8-9-2002.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "UNIVERSITY", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A SHIELD BEARING AN OVERLAPPING "T" AND "U" ADJACENT TO THE STYLIZED WORDS "TULANE UNIVERSITY".

SN 78-181,385, FILED 11-4-2002.

Prior U.S. Cls.: 22 and 39

United States Patent and Trademark Office

Reg. No. 3,303,321 Registered Oct. 2, 2007

TRADEMARK PRINCIPAL REGISTER



THE ADMINISTRATORS OF THE TULANE EDU-CATIONAL FUND (LOUISIANA INCORPORA-TED ASSOCIATION) TULANE UNIVERSITY 300 GIBSON HALL, 6823 ST. CHARLES AVENUE NEW ORLEANS, LA 70118

FOR: CLOTHING, NAMELY, T-SHIRTS, GOLF SHIRTS, SPORT SHIRTS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 12-31-2002; IN COMMERCE 12-31-2002.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "UNIVERSITY", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A SHIELD BEARING AN OVERLAPPING "T" AND "U" ADJACENT TO THE STYLIZED WORDS "TULANE UNIVERSITY".

SN 78-181,414, FILED 11-4-2002.

Prior U.S. Cls.: 2, 13, 23, 29, 30, 33, 40, and 50

United States Patent and Trademark Office

Reg. No. 3,308,024 Registered Oct. 9, 2007

TRADEMARK PRINCIPAL REGISTER



THE ADMINISTRATORS OF THE TULANE EDU-CATIONAL FUND (LOUISIANA INCORPORA-TED ASSOCIATION) TULANE UNIVERSITY 6823 ST. CHARLES AVENUE, 300 GIBSON HALL NEW ORLEANS, LA 70118

FOR: HOUSEWARES, NAMELY, COFFEE MUGS, BEVERAGE GLASSWARE, BEVERAGE WARE, BOTTLE OPENERS, MUGS, PLASTIC CUPS, IN CLASS 21 (U.S. CLS. 2, 13, 23, 29, 30, 33, 40 AND 50).

FIRST USE 12-31-2002; IN COMMERCE 12-31-2002.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "UNIVERSITY", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF SHIELD BEARING AN OVERLAPPING "T" AND "U" ADJACENT TO THE STYLIZED WORDS "TULANE UNIVERSITY".

SN 78-181,427, FILED 11-4-2002.

Prior U.S. Cls.: 2, 5, 22, 23, 29, 37, 38, and 50

United States Patent and Trademark Office

Reg. No. 3,303,322 Registered Oct. 2, 2007

TRADEMARK PRINCIPAL REGISTER



THE ADMINISTRATORS OF THE TULANE EDU-CATIONAL FUND (LOUISIANA INCORPORA-TED ASSOCIATION) TULANE UNIVERSITY 6823 ST. CHARLES AVENUE, 300 GIBSON HALL NEW ORLEANS, LA 70118

FOR: PAPER GOODS, NAMELY, WRITING PAPER, FOLDERS, LOOSE-LEAF BINDERS, STATION-ERY, CALENDARS, GREETING CARDS, NOTEPADS, DECALS, AND NOTE BOOKS; WRITING INSTRUMENTS, NAMELY, BALL POINT PENS AND LEAD PENCILS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 1-1-1925; IN COMMERCE 1-1-1925.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "UNIVERSITY", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF A SHIELD BEARING AN OVERLAPPING "T" AND "U" ADJACENT TO THE STYLIZED WORDS "TULANE UNIVERSITY".

SN 78-181,441, FILED 11-4-2002.

Int. Cls.: 6 and 20

Prior U.S. Cls.: 2, 12, 13, 14, 22, 23, 25, 32, and 50

United States Patent and Trademark Office

Reg. No. 3,459,266 Registered July 1, 2008

TRADEMARK PRINCIPAL REGISTER



THE ADMINISTRATORS OF THE TULANE EDU-CATIONAL FUND (LOUISIANA CORPORA-TION) 6823 ST. CHARLES AVENUE 300 GIBSON HALL NEW ORLEANS, LA 70118

FOR: GIFT AND NOVELTIES MADE OF NON-PRECIOUS METAL, NAMELY, BOXES, KEY CHAINS AND RINGS, AND LICENSE PLATES, IN CLASS 6 (U.S. CLS. 2, 12, 13, 14, 23, 25 AND 50).

FIRST USE 12-31-2002, THE MARK WAS FIRST USED ANYWHERE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED ON 01/01/1925.; IN COMMERCE 12-31-2002, THE MARK WAS FIRST USED IN COMMERCE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED ON 01/01/1925...

FOR: GIFTS AND NOVELTIES MADE OF NON-PRECIOUS METAL, NAMELY, PICTURE FRAMES, IN CLASS 20 (U.S. CLS. 2, 13, 22, 25, 32 AND 50).

FIRST USE 12-31-2002, THE MARK WAS FIRST USED ANYWHERE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED ON 01/01/1925.; IN COMMERCE 12-31-2002, THE MARK WAS FIRST USED IN COMMERCE IN A DIFFERENT FORM OTHER THAN THAT SOUGHT TO BE REGISTERED ON 01/01/1925..

SN 78-227,048, FILED 3-18-2003.

LORETTA C. BECK, EXAMINING ATTORNEY